

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

DAMIEN WRIGLEY,

Plaintiff,

Case No. 3:18-cv-00135-MMD-WGC

v.

PETERS, *et al.*,

ORDER

Defendants.

Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge William G. Cobb (ECF No. 30), recommending that the Court deny Defendant Robert Smith’s motion for summary judgment (the “Motion”) (ECF No. 27). Defendant had until July 8, 2020 to file an objection. (*Id.*) To date, no objection has been filed. For that reason, and because the Court agrees with Judge Cobb’s, the Court will adopt the R&R.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation”).

While Defendant has not objected, the Court nevertheless conducts a *de novo* review to determine whether to adopt Judge Cobb’s R&R. First, Judge Cobb found that, contrary to Smith’s assertions, Plaintiff did not need to identify the specific date or time of

1 Smith's purported threat to sufficiently allege personal participation. (ECF No. 30 at 6.)
2 Second, Judge Cobb found that Smith's threats—even if no action was taken—was
3 sufficient to constitute an adverse action. (*Id.*) Finally, Judge Cobb found that threatening
4 an inmate with an unpleasant prison experience unless he agrees to withdraw a PREA
5 complaint could chill an ordinary person from filing any future complaints or grievances.
6 (*Id.* at 7.) The Court agrees with Judge Cobb's reasoning and adopts the R&R.

7 It is therefore ordered that the Report and Recommendation of Magistrate Judge
8 William G. Cobb (ECF No. 30) is accepted and adopted in full.

9 It is further ordered that Defendant's motion for summary judgment (ECF No. 27)
10 is denied.

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12 DATED THIS 22nd day of July 2020.

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15 MIRANDA M. DU
16 CHIEF UNITED STATES DISTRICT JUDGE
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